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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,946	07/24/2000	Venkatachari Dilip	CSHE.P001	5253
53186	7590	09/13/2007	EXAMINER	
COURTNEY STANIFORD & GREGORY LLP			SUBRAMANIAN, NARAYANSWAMY	
P.O. BOX 9686			ART UNIT	PAPER NUMBER
SAN JOSE, CA 95157			3692	
MAIL DATE	DELIVERY MODE			
09/13/2007	PAPER			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/621,946	DILIP ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Narayanswamy Subramanian	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 29 June 2007.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 59-67 and 78-83 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 59-67 and 78-83 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 8/20/2007.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. This office action is in response to applicants' communication filed on June 29, 2007.

Amendments to claims 59-60, 64-65 and 83 have been entered. Claims 59-67 and 78-83 are pending in the application and have been examined. The objections to the specification, rejections and response to arguments are stated below.

### *Specification*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to support the subject matter set forth in the claims. The specification, as originally filed does not provide support for the invention as now claimed.

The test to be applied under the written description portion of 35 U.S.C. § 112, first paragraph, is whether the disclosure of the application as originally filed reasonably conveys to the artisan that the inventor had possession at that time of later claimed subject matter. *Vas-Cat, Inc. v. Mahurkar*, 935 F. 2d 1555, 1565, 19 USPQ2d 111, 1118 (Fed. Cir. 1991), *reh'rg denied*

*(Fed. Cir. July 8, 1991) and reh'rg, en banc, denied (Fed. Cir. July 29, 1991).*

Claims 59-67 and 78-83 include the limitation "receiving identification information for a plurality of financial accounts from an account holder, wherein the information is entered by the account holder in an account holder device and transmitted to the financial management system via a communications network according to standard protocols accessible to any user of the network". Claims 64-65 also include the limitation "wherein recommending comprises

displaying information on the account holder device” and “wherein offering comprises displaying information on the account holder device” respectively. However, the specification does not provide a written description disclosure to support the claimed limitation of “receiving identification information for a plurality of financial accounts from an account holder, wherein the information is entered by the account holder in an account holder device and transmitted to the financial management system via a communications network according to standard protocols accessible to any user of the network”, “wherein recommending comprises displaying information on the account holder device” and “wherein offering comprises displaying information on the account holder device”.

*Claim Rejections - 35 USC § 112*

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 59-67 and 78-83 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, claims 59-67 and 78-83 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

For the art rejections given below, the claims are interpreted in light of 35 U.S.C. § 112, first paragraph rejections discussed above.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 59-67 and 78-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grant et al (US Patent 4,694,397)

Claims 59 and 83, Grant teaches a method and a computer-readable medium having stored thereon a computer program that is executable by a processor to perform a method comprising: a processor-based financial management system receiving identification information for a plurality of financial accounts from an account holder, wherein the information is entered by the account holder in an account holder device and transmitted to the financial management system via a communications network according to standard protocols accessible to any user of the network (See Grant Abstract, Figure 1, Column 3 lines 10-50, Column 5 lines 15-20, according to applicant's disclosure on page 7 lines 24-25 an account holder refers to any person having access to an account. Hence a customer having dual status and a broker, all fit this description); the financial management system identifying a first account balance associated with a first account of the plurality of financial accounts, wherein the first account is associated with a first financial institution, first financial-institution, and wherein the financial management system is coupled via a network to the first financial institution (See Grant Abstract, Column 3 lines 16-50 and Column 4 lines 3-26, brokerage and/or banking accounts imply plurality of financial

accounts); the financial management system further identifying a second account balance associated with a second account of the plurality of financial accounts, wherein the second account is associated with a second financial institution, the second financial institution being independent of the first financial institution, and wherein the financial management system is coupled to the second financial institution via the network (See Grant Abstract, Column 1 lines 11-18, Column 3 lines 16-50 and Column 5 line 35 – Column 6 line 10, banking and brokerage institutions are separate and independent, brokerage and/or banking accounts imply plurality of financial accounts); obtaining account information from the first and second accounts using access information provided by an account holder (See Grant Figure 1, Abstract, Column 4 lines 5-25 and Column 5 line 35 – Column 6 line 10); the financial management system comparing the first account balance to a particular value; if the first account balance exceeds the particular value, the financial management system recommending a transfer of funds from the first account to the second account associated with the second financial institution, wherein the first account and the second account have a common account holder, and wherein the recommendation to transfer funds identifies an amount to be transferred equal to the value by which the first account balance exceeds the particular value; and if the first account balance is below the particular value, the financial management system recommending a transfer of funds from the second account to the first account (See Grant Figure 1, Abstract, Column 2 lines 25-43). A computer-readable medium having stored thereon a computer program that is executable by a processor to perform the method is inherent in the disclosure.

Grant does not explicitly teach the step of accessing each of the first and second financial institutions separately via the network.

Official notice is taken that the step of accessing each of a plurality of financial institutions separately via a network is old and well known. Using Internet to access a plurality of institutions helps a user get information in an efficient and timely manner.

It would have been obvious to one of ordinary skill in the art at the time of invention to include this feature to the invention of Grant. The combination of disclosures suggests that users would have benefited from the efficient and timely retrieval of information according to the needs of the user.

Claims 60-67 and 78-82, Grant teaches the steps wherein obtaining account information and comparing the first account balance to a particular value is performed automatically at periodic intervals (See Grant Column 3 lines 42-52); comparing the first account balance to a particular value includes applying at least one rule associated with the first account (See Grant Column 2 lines 25-43); the first account is a checking account and the second account is a savings account (banking accounts imply these accounts); the second account pays a higher interest rate than the first account (old and well known); if the first account balance is below the particular value, the financial management system recommending a transfer of funds from the second account to the first account in an amount equal to the value by which the first account balance is below the particular value, wherein recommending comprises displaying information on the account holder device (See Grant Column 2 lines 25-43 and claim 3); offering to the account holder to perform the recommended transfer of funds from the first account to the second account, wherein offering comprises displaying information on the account holder device (See Grant Column 4 lines 45-52 and claim 3, means for displaying messages and special handling is interpreted to include this feature); executing the transfer of funds from the first

account to the second account if the account holder accepts the offer to perform the recommended transfer of funds (old and well known); recommending a transfer of funds from the first account to the second account includes automatically transferring funds from the first account to the second account (See Grant Column 6 lines 40-48); the first account is a checking account and the second account is an investment account (inherent, banking account is a checking account and brokerage account is an investment account); the second account offers a better return than the first account (old and well known); the particular value is a minimum balance associated with the first account (See Grant Column 2 lines 25-43); the particular value is a minimum required balance based on historical data (Old and well known); permitting the account holder to change the amount to be transferred from the first account to the second account (See Grant Column 4 lines 45-52, special handling is interpreted to include this feature).

*Response to Arguments*

8. In response to Applicant's arguments that "Grant clearly, fails to teach or suggest a method as claimed, including a processor-based financial management system receiving identification information for a plurality of financial accounts from an account holder, wherein the information is entered by the account holder in an account holder device and transmitted to the financial management system via a communications network according to standard protocols accessible to any user of the network", the examiner respectfully disagrees. Grant clearly discloses this feature in Figure 1, Column 3 lines 10-50, Column 5 lines 15-20. According to applicant's disclosure on page 7 lines 24-25 an account holder refers to any person having access to an account. Hence a customer having dual status and a broker are interpreted to include an account holder. Hence Grant teaches this claimed feature.

In response to Applicant's arguments that Grant clearly, fails to teach or suggest a method as claimed, including the second financial institution being independent of the first financial institution, the examiner respectfully disagrees. Grant clearly discloses this feature in Column 1 lines 11-18. The banking and brokerage institutions are separate and independent.

In response to Applicant's arguments "For all of the reasons given above, one of ordinary skill in the art would not have been motivated to modify Grant at the time in order to achieve the present invention", the examiner respectfully disagrees. As discussed in the rejection above Grant teaches all of the steps except the step of accessing each of the first and second financial institutions separately via the network. The motivation to combine the official notice with Grant's invention would have been obvious to one of ordinary skill in the art. Also the examiner would like to point out that KSR (*KSR International Co. v Teleflex Inc.*, 550 U.S.- 82 USPQ2d 1385 (2007)) forecloses the argument that a specific teaching, suggestion or motivation is required to support a finding of obviousness.

Applicant's other arguments with respect to pending claims 59-67 and 78-83 have been considered but are not persuasive in view of the 35 U.S.C. § 112, first paragraph rejections above.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached at (571) 272-6702. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dr. N. Subramanian  
Primary Examiner  
Art Unit 3692

September 4, 2007